

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

James Huggard,

Plaintiff(s),

vs.

United Performance Metals, Inc.,

Defendant(s).

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Case Number: 1:10cv63

Chief Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on November 17, 2011 a Report and Recommendation (Doc. 55). Subsequently, the defendant filed objections to such Report and Recommendation (Doc. 59) and plaintiff filed a response to the objections (Doc. 62).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, defendant's motion for summary judgment (Doc. 31) is **GRANTED** as to plaintiff's age discrimination claims and **DENIED** as to plaintiff's disability discrimination, retaliation, and ERISA claims.

IT IS SO ORDERED.

S/Susan J. Dlott

Chief Judge Susan J. Dlott  
United States District Court